IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.520 OF 2005
IN
WRIT PETITION NO.209 OF 1991

Oswal Agro Mills Limited & Anr. .... Petitioners

Vs.

State of Maharashtra & Ors. .... Respondents

Shri Milind Sathe i/b M/s. Bachubhai Munim & Co. for the Petitioners.
Shri S.K. Nair, Special Counsel, for the Respondent Nos.1, 2 and 5.

CORAM: R.M.S. KHANDEPARKAR & V.M. KANADE, JJ.
DATED: OCTOBER 04, 2005

P.C:

Heard. Only grievance which is sought to be made in this matter relates to failure on the part of the respondents to carry out the necessary mutation entries in the revenue records pursuant to the compliance of the petitioners' obligation under the consent order obtained on 6-5-2005 in Writ Petition No.209 of 1991. The learned Advocate for the respondent/Government stated that the Government has to pass the necessary resolution for carrying out the mutation entries. We are not at all satisfied by this argument on behalf of the Government. Once any transaction in relation to immovable property is confirmed by the Court's order or decree passed by the civil Court, necessary mutation entries are to be carried out in terms of the provisions comprised under the Maharashtra Land Revenue Code, 1966, hereinafter

called as "the said Code" and the Rules framed thereunder. The question of passing any Government resolution as such merely because the land belongs to the Government does not arise at all when the provisions of law in that regard are specifically laid down under the said Code and the Rules framed thereunder. Where the Court finds the ownership in favour of any person in relation to the immovable property, unless such order is set aside by the Appellate Court, the authorities concerned once approached by the beneficiary under the Court's order have to carry out the necessary mutation entries under the said Code in relation to such land. Being so, nothing prevents the petitioners from approaching the concerned authorities for carrying out the necessary mutation entries in terms of Clause (d) of para 5 of the order dated 6-5-2005. In case the petitioners approach the concerned authorities, the authorities will be duty bound to carry out the necessary mutation entries in terms of the provisions of law comprised under the said Code and the Rules framed thereunder and they cannot wait for any Government resolution as such in that regard. With these observations, the notice of motion is disposed of.

Certified copy expedited.

(V.M. Kanade, J.) **(R.M.S. Khandeparkar, J.)**